

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ZOSTAVAX (ZOSTER VACCINE : MDL NO. 2848  
LIVE) PRODUCTS LIABILITY :  
LITIGATION :  
: \_\_\_\_\_  
THIS DOCUMENT RELATES TO: :  
: \_\_\_\_\_  
JOHN DESTEFANO :  
: CIVIL ACTION NO. 18-20070  
v. :  
: \_\_\_\_\_  
MERCK & CO., INC., et al. : \_\_\_\_\_

PRETRIAL ORDER NO. 363

AND NOW, this 6th day of July, 2021, for the reasons  
set forth in the foregoing Memorandum, it is hereby ORDERED  
that:

- (1) the motion of Merck & Co., Inc. and Merck Sharp & Dohme Corp. for summary judgment is GRANTED; and
- (2) the cross-motion of plaintiff John Destefano for dismissal with prejudice under Rule 41(a)(2) of the Federal Rules of Civil Procedure is DENIED as moot.

BY THE COURT:

/s/ Harvey Bartle III

\_\_\_\_\_  
J.